

SELZER & GURVITCH  
RABIN & OBEENY  
CHARTERED

LAW OFFICES

4416 East West Highway  
Fourth Floor  
Bethesda, MD 20814-4568

301.986.9600  
301.986.1301 FAX  
www.sgrolaw.com

Patrick J. Kearney, Esquire  
301.634.3114 (direct dial)  
[pjkearney@sgrolaw.com](mailto:pjkearney@sgrolaw.com)

May 11, 2004

Honorable Benson E. Legg, Chief Judge  
United States District Court  
Chambers, 3<sup>rd</sup> Floor  
101 West Lombard Street  
Baltimore, MD 21201

**VIA FEDERAL EXPRESS & ECF**

**RE: Jamie Garcia, et al., v. Ronald D. Kirstien, et al**  
**Civil Action No. BEL 01 CV 0103**

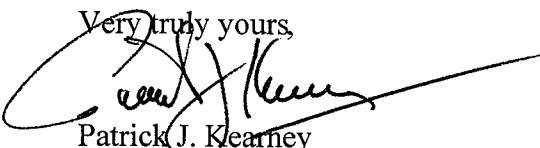
Dear Judge Legg:

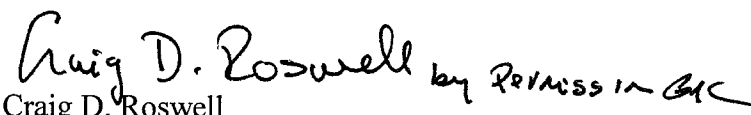
Pursuant to the Court's instructions, Mr. Roswell and I are reporting our trial estimates and our position concerning the July trial date in this matter. We are advised the Plaintiffs' counsel, Mr. Albright, is going to write a separate letter.

Defendants take the position that we need to immediately begin preparation for trial in July. Unless and until the Court determines which material facts remain in dispute and which legal issues are unanswered, the Defendants have to prepare a case based upon the sixty nine (69) pages of allegations contained in Plaintiff Jamie Garcia's answers to interrogatories covering events going back to 1993. This could require as many as 50 witnesses and could take up to two weeks to try. Preparation for a trial of that magnitude should be underway at this point.

Defendants believe that such preparation is unfair and unwise in light of the Court's continuing efforts to determine if there are any issues of material fact that need to be tried and in light of the Court's own statements that the intertwined legal issues concerning contract, corporate governance, fiduciary relations, defamation and bankruptcy are best sorted out before a trial. Accordingly, Defendants request that trial be set at a scheduling conference to be conducted when the Court issues its decision on Defendants' Motions for Summary Judgment.

Very truly yours,

  
Patrick J. Kearney  
Counsel for Randy Habeck

  
Craig D. Roswell  
Counsel for Ronald D. Kirstein and Harvey Rothstein

cc: David F. Albright, Esquire (by facsimile)